


1 See Fed. R. App. P. 22(b). For the reasons set forth in the magistrate judge's April 8, 2008,
2 findings and recommendations, movant has not made a substantial showing of the denial of a
3 constitutional right.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Movant's request for a certificate of appealability is denied; and
6 2. The Clerk of the Court is directed to send a copy of this order to the Ninth Circuit
7 Court of Appeals, attention Susan Gelmis.

8 Dated: October 17, 2008

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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